Remarks

Claims 1-12 are pending. Claims 1-12 are rejected.

Claims 9-12 are rejected under 35 U.S.C. §101. Claims 1, 5, and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jaquette et al. (U.S. Patent No. 6,856,479 B2). Claims 2-4, 6-8, and 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jaquette et al. in view of Contreras et al. (U.S. Patent No. 5,995,306).

Applicant's Attorney has amended claims 9-12 in response to Examiner's rejection under 35 U.S.C. 101. No new matter has been added.

With regard to claim 1, Jaquette fails to teach, disclose, or suggest "identifying a data timeout" and "performing, in response to the data timeout, a single repositioning of the tape and writing a transposed data block to the allocated blank area." Examiner asserts that these limitations are inherently found in Jaquette:

> Jaquette et al. indicated "backhitching" from writing in order to rewrite the data. Hence, it is inherent that if the medium has to stop, backhitch and rewrite the data, then the medium has "timed-out" from regular read/write operations and proceeded to rewrite previously written data.); and
> Performing. in response to the data timeout, a single repositioning of the tape and writing a transposed data block to the allocated blank area, wherein the transposed data block contains the same content as the first plurality of data sets (Col. 7, L. 20-30 and Col. 2, L. 2-9, wherein Jaquette et al. indicated "backhitching" from writing in order to rewrite the data. Also, note in Fig. 3 that the media rewrite the contents, which are found in Elements 50, 51 and 52.).

> Office Action, September 20, 2006, pg. 4.

Jaquette, however, states that

> Coassigned U.S. patent application Ser. No. 10/058,101 is incorporated for its showing of the initial writing of data to magnetic tape, accumulating that data and subsequently recursively writing the accumulated data to the magnetic tape in a sequence.

Col. 1, ll. 9-12.

U.S. Pat. No. 6,856,479 (Ser. No. 10/058,101) states that

> The point at which the accumulated synchronized data is recursively written may comprise the termination of the pattern of synchronously written transactions, may comprise a predetermined threshold, such as the limit of capacity of the buffer 30 to accumulate data records, or may comprise the limit of capacity of the work space for the work copies 80-83 and their separation signals 90-92.

Col. 7, ll. 40-46.

Contrary to Examiner's assertions, Jaquette does not inherently timeout if the medium has to stop, backhitch and rewrite data. Furthermore, because Jaquette does not timeout, it does not perform, in response to a data timeout, a single repositioning of the tape.

Examiner rejected claims 5 and 9 on the same basis as claim 1. For the reasons claim 1 is patentable, claims 5 and 9 are patentable. Claims 2-4, 6-8, and 10-12 depend from claims 1, 5, and 9 respectively. For the reasons claims 1, 5, and 9 are patentable, claims 2-4, 6-8, and 10-12 are patentable.

Applicant's Attorney believes the claims are in a condition for allowance. Applicant's Attorney respectfully requests a notice to that effect. Applicant's Attorney also invites a telephone conference if Examiner believes it will advance the prosecution of this case.

Please charge any fees or credit any overpayments as a result of the filing of this paper to Deposit Account Number 02-3978.

Respectfully submitted,

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